

Serbia: A Consolidated Democracy?*

Tibor Ördögh

National University of Public Service, Budapest, Hungary

The aim of the study is to examine Serbia as a consolidated democracy, with special attention paid to the political changes in the past 25 years. In the first chapter I will present the stability of the political institutions, the importance and the need to change the current constitution, and furthermore I will analyze the parliamentary characteristics and the legislative process. In my thorough examination I will write about the instability and liability relations connected to the coalition government, the counterweight role of the head of state, the political influence of the judiciary and the constitutional courts, the ombudsman system, and lastly the exploration of local government practices. The second chapter will study the political cleavages. It will also discuss the possibilities of resolving the ethnic conflicts, the prominence of the previous political areas, and the divisive issue of the integration process. This chapter will be followed by the introduction of the concentration of the party system, which leads to the reduction of political parties, and to the dominance of the right wing. The last chapter will present the lack of elite consensus, as well as the general public's distrust of the political institutions.

Keywords: Balkan, Serbia, Europeanization, democracy

Introduction

The scientific literature for transitology divides the democratic development of countries into three separate stages. The first period is characterized by original crisis, which covers a rather long period of time for Serbia, starting in 1980 (the death of Josip Broz Tito) and ending in 2000. During this time, the country had to face several crises such as the kindling of the Milošević nationalism, the first and second Balkan Crisis, and the destructive economic situation. The combined effect of all of these will lead up to the second stage i.e., the period of democratic transition set off by a series of protests in October 2000, which lasted until the middle of the 2000s (Makai, 2014, pp. 36-44). This period encompasses the partial removal of the previous political elite and the shaping of the democratic state structures. The third stage, so called stage of consolidation, is considered to have started off by the new constitution coming into force in 2006 and has been going on ever since. In my study, I am seeking to answer the question whether in 15 years following the political transition Serbia has managed to reach a state of consolidation, or it is still characterized by instability.

The rationale has been sought to be applied for the Balkan in the field of freedom of press by Péter Bajomi-Lázár (2006), while the same has been done by Imre Szilágyi (2012) in the field of political science when analyzing Slovenia (pp. 73-100). My intention in the following study is to apply the structure worked out

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Tibor Ördögh, Ph.D., Adjunct Professor, Department of European Studies, Faculty of International and European Studies, National University of Public Service.

by them, which combines the analysis of the existence and functioning of the democratic institutions, the consensus of the political elite concerning the institutions, and the dedication and support of the society towards such institutions. “A consolidated democracy is not only characterized by (1) the emergence of democratic institutions but also by (2) the lack of a political factor that aims to overthrow the democratic institutions and by (3) the public generally accepting the decisions brought about in a democratic way” (Hudecz, 2007, p. 27).

The Institutional System of Democracy

The Constitution

In 1990, during the beginning of the fragmentation of the Balkan state of Yugoslavia, the then single-party Serbian Parliament voted to adopt its own republic's constitution, which aimed to guarantee the power for the socialist party and Slobodan Milošević. Therefore, it could not serve as the foundation for a multi-party democratic state. In accordance with the constitution, the president of the Republic had most of the power besides the parliament. The removal of the president from his office was difficult due to the fact that if the parliament had considered that the president had violated the constitution, the initiation of the procedure would have required 2/3 of all of the members of the parliament in favor of it. In the event that the majority of the members of parliament (MPs) voted “no” to revoking the president of the Republic, the parliament would have had to be dissolved. The president of the Republic, however, may, to the explicit proposal of the government, decide to dissolve the parliament. If this situation occurs, the government loses its mandate. Amendments to the constitution were hindered by the fact that in order for either the whole of its content or even a single paragraph to be modified would require 2/3 of the parliament to be in favor of it, while in case of a referendum, more than 50% of the people eligible to vote would need to support it (Kálóczy, 2010, p. 7).

Following the political transition that took place in 2000, the Serbian political elite set itself the objective to introduce a new democratic constitution. Upon the withdrawal of Montenegro, the draft constitution was set up rather hastily (Szilágyi, 2006), and it came to be reinforced through popular vote. It was then brought into force in 2006 (Ivanović, 2007, pp. 38-40). The separation of powers is included in Section 4 of the Serbian Constitution. The grounds to the relationship between the three branches of power are achieved through their relative balance and mutual control. The legislative role is exercised by the unicameral National Assembly; the government and the parliament are in control of the system of government. Apart from the written constitution, the authority of the government and the parliament is limited by the Constitutional Court Review. Furthermore, the institution of popular vote and popular initiative functions as legal constraints; the institution of minority veto is not applied to stabilize the Constitution. The political strain during the time of its adoption is apparent in the Introduction to the new constitution. Its focus is aimed at a single problem i.e., the retention of the Kosovo-Metohija Province within the borders of Serbia, which was mandatory for each state entity.

With the progression of the contradictions and the European integration process, the constitution in place needs amendments. Its necessity has for long been addressed by both the politicians and the constitutionalists. An opportunity for change arose in 2014, when, as a result of the general elections, the new government acquired 2/3 majority in the parliament. In 2015, a working committee was set up by the parliament in order to draw up a new draft constitution. The adoption of the new Serbian Constitution was intended to take place in 2017 (Magyar Szó, 2016, February 29), but due to the early parliamentary elections, there is a low chance of this occurring.

The Parliament

Following the constitutional amendment of 1990 introducing the multi-party system, the first elections with the participation of several parties were held on 9 and 23 December, in 1990. The National Assembly consisting of 250 members and elected via direct and secretive ballot was set up at this time. The new constitution of 2006 took on the number of MPs (Constitution, point 100), and therefore it may appear that this would solidly carry on in the political establishment, although certain experts' opinion suggests that the number of mandates should be decreased proportional to the population of the country.

The term of office of the MPs begins on the day the mandate is ratified by the parliament, and it expires four years later, or when the current composition of mandates of the MPs terminates. During situations of crisis or war, the constitution allows for prolonged parliamentary mandate. Until 2012, one important factor with regard to the legal status of the Serbian parliamentarians was the fact that the authority over the mandate of a member of the parliament was irrevocably handed over to the political party that had enabled them to become a member of the parliament. This statute was finally repealed, which allows for the principle of independent mandate to apply. Holding a parliamentary office is incompatible with holding any position of parliamentary membership in an autonomous province, executive position, or any function held in the judicial system (Constitution, point 102). As to the right of parliamentary immunity of the MPs, they are consistent with those in force in Western Europe.

The president of the National Assembly may hold special sessions upon the request of at least one-third of the members or that of the government; in the event of declaring a state of war or emergency, the parliament shall convene without an invitation. In case of Serbia, in order for the country to remain governable, the two-thirds rules do not apply when adopting special legislation. There are only two types of majority: legislation adoptable via the majority of votes of all of members, which include matters of far-reaching impact; in other areas, the majority of the votes of the members in attendance are sufficient.

In the course of law-making, legislation put to debate is to be carried out in two readings. Every member of the parliament, the government, the House of Representatives of the autonomous province(s), and a minimum of 30,000 voters all have the right to submit a law (Constitution, point 107)¹. The bill shall be placed on the agenda (at least 15 days prior to, and no later than 60 days from its submission). Fifteen or—if adopted under urgent procedure—seven days following the adoption of the law, the Head of State shall adopt a decision of its publication, or the law shall be deemed to be referred back to the parliament for reconsideration with a written justification. It is the so-called political veto right (Constitution, point 113). If the House of Representatives does not modify the wording, and the law is adopted with the majority of the votes of all of the members, the president has to make it official by his regulation. The adopted legislation shall enter into force eight days after being published in the official journal of the Republic of Serbia.

The daily operation of the parliament has adopted the practice where the laws are adopted under urgency procedure, throughout which the opposition is relegated to the background. The drafting of a law, however, is done in a rapid manner, and is highly exposed to the will of the political parties.

The Government

The Serbian government is made up of the Prime Minister, one or several vice presidents and the

¹ Standing Order, point 150. Retrieved from <http://www.parlament.gov.rs/narodna-skupstina-/vazna-dokumenta/poslovnik-%28precisceni-tekst%29/postupci-za-donosenje-akata-i-drugi-postupci.1338.html>

ministers². The Act of 2005 on the Serbian government identifies two groups of ministers: ministers with and without portfolio³. The deputies of the ministers are the state secretaries, the offices of whom are distributed purely on the basis of party political deals, and where expertise does not play a relevant role. A phenomenon of further importance is the fact that the so-called state secretaries are absent at this level of government. The president of the Republic—upon listening to the top candidates of the parties that have made it to the parliament—shall propose to the legislature a person for the position of Prime Minister. The candidate for the position of Head of State shall present his program to the parliament, and make a proposal for the composition of the cabinet. The National Assembly simultaneously votes on the program of the government, and the person to fill the Office of Head of State and Prime Minister. In the event of an unsuccessful nomination, the Head of State has another 30 days to propose a new candidate. In effect, the person to fill the position of Prime Minister is decided upon following the elections as part of a political deal between the future governing parties. The parties play a central role in recruiting the Prime Minister and his ministers, the formation of the government and government policies, the formation of the coalition and the disposition of portfolio. Having a single or multi-party coalition, majority or minority government is contingent upon the party system. As a result of having an electoral system based upon proportional representation in Serbia, there has been a consecutive emergence of coalition governments since the democratic transition took place (see Table 1). Coalition governments are unstable, therefore, early elections in Serbia are not uncommon.

No member of the Serbian government may concomitantly be either member of the National Assembly, member of the House of Representatives of an autonomous province, councilor of the representative body of the entity of the local government, member of the executive council of the autonomous province, or member of the executive council of the entity of the local government. Furthermore, they shall not exercise any other public service functions, pursuant to the relevant conflict of interest laws (Constitution, point 126).

The mandate of the cabinets comes into effect on the day of the oath taken before the parliament, and expires when the mandate of the parliament appointing them expires. Prior to the completion of the mandate, the mandate of the government may be withdrawn by proclaiming mistrust, dissolving the parliament and by resignation of the head of government. In accordance with the parliament's rules of procedure, a motion of censure may also be submitted against the head of government and his ministers. In order to start the procedure, the request of at least 20 MPs must be submitted to the president of the parliament. The parliament shall put the motion on its agenda at least three, but no later than 15 days following the submission of the motion. A vote of confidence procedure in the government or in a member of government may be initiated by at least 60 MPs. The motion shall be discussed by the National Assembly in its next meeting, but no sooner than five days following the submission of the motion. A vote on the bill will take place after the debate. The vote of confidence is considered successful if more than half of the MPs are in favor of the motion. If the parliament votes to withdraw confidence in the government, the president of the Republic is obliged to open the procedure of electing a new government. If the parliament withdraws confidence in a member of the government, the Prime Minister shall open the procedure of electing the new member of government. If the confidence in the government is not withdrawn, the proponent of the motion may not submit a new vote of confidence within the next six months.

² Following the elections in 2008, the first office of the Deputy Prime Minister was also created as part of a political deal, whose function is to be a political substitute to the head of government.

³ The Act has been amended on several instances i.a. in order for the ministerial structure in legal force to be regulated.

Table 1

Governments in Serbia (1991-2016)

Government	Prime Minister	Government Parties	Term of Office
Zelenović-government	Dragutin Zelenović	SPS	15.01.1991-23.12.1991
Božović-government	Radomir Božović	SPS	23.12.1991- 10.02.1993
Šainović-government	Nikola Šainović	SPS	10.02.1993-18.03.1994
I Marjanović-government	Mirko Marjanović	SPS + JUL + ND	18.03.1994-19.02.1998
II Marjanović-government		SPS + JUL + SRS	19.02.1998-24.20.2000
Minić-government	Milomir Minić	SPS + DOS + SPO	24.20.2000-25.01.2001
Đinđić-government	Zoran Đinđić	DOS	25.01.2001-12.03.2003
Živković-government	Zoran Živković	DOS	12.03.2003-26.02.2004
I. Koštunica-government	Vojislav Koštunica	(DSS–SPO–NS) + G17Plus	26.02.2004-15.05.2007
II. Koštunica-government	Vojislav Koštunica	(DS–G17Plus) + (DSS–NS)	15.05.2007-07.07.2008
Cvetković-government	Mirko Cvetković	(DS–G17Plus) + (SPS–PUPS–JS) + minority	07.07.2008-27.07.2012
Dačić-government	Ivica Dačić	(SPS–PUPS–JS) + (SNS–NS) + URS + independents	27.07.2012-27.04.2014
I. Vučić-government	Aleksandar Vučić	(SNS–SPO–NS–SDPS–PS) + (SPS+PUPS+JS) + VMSZ	27.04.2014-11.08.2016
II. Vučić-government	Aleksandar Vučić	(SNS–SPO–NS–SDPS–PS) + (SPS+PUPS+JS) + VMSZ	11.08.2016-

Submitting an interpellation concerning the work of the government or a minister requires at least 50 MPs. A maximum of five written interpellations may be submitted for one parliament session. At the session following the submission, but no later than 15 days following its submission, the interpellation must be put on the agenda. The government shall provide a response to the interpellation within 30 days. It will be put to debate by the parliament, and they will vote on the response of the government and the minister. If the parliament does not accept the response of the cabinet or the member of government, the vote of confidence in the government or in its member is initiated if prior to this, following the rejection of the response, the president or member of the government shall not resign from his/her office. The matter relevant to the interpellation may not be re-stated before the expiry of a subsequent 90-day period.

It should be noted that irrespective of the common early elections, the Serbian governments are regarded as stable due to the fact that the dissolution of the parliament has in every case been initiated by the Prime Minister in the hopes of successfully gaining it back once again. I have previously referred to the shift taking place in 2012 in the section about the distribution of political power; as it is set forth in the next section, the head of state has been marginalized, while at the same time, the “emergence” of the head of government from the cabinet took place in Serbia, hence the shift of procedure of governing to that of chancellor-type.

The Head of State

In a parliamentary system, the constitutional and political role of the head of state is of primary significance at the end of the parliamentary term, at the change of government, or in a political stalemate. One of the key roles of the head of state is exercising his/her right to dissolve the parliament—called the Elections—and then invite someone to form a new government. During the period between parliamentary terms, the role of the head of state would be symbolic and representative under constitutional law, and so the head of state could not serve as counterweight to the government. In practice, however, in addition to his autonomy in international relations, by taking advantage of his position of party president, the head of state interpreted his

role extensively⁴. According to the logic of the parliamentary system, the party that won the elections not only gains the position of Prime Minister, but also that of the president of the Republic (Körösényi, Tóth, & Török, 2005, p. 555). This fact, however, only revealed itself first in 2014, when the previous party president was the head of state, while his deputy acquired the office of the Prime Minister. After the end of the Milošević-era, introducing changes to electing the president of the Republic did not come up; the strong personalization characterizing Serbian politics kept its dominant role⁵. The act on the election of the head of state was amended several times, and in 2007, a new body of law was adopted by the parliament. The date of the elections is set 90 days prior to the expiry of the term of office by the president of the parliament, so as for it to be held within the next 60 days. A presidential candidate may be put forward by the political parties and their allies, and groups of citizens that manage to collect at least 10 thousand signatures. Intent to run for the position of head of the state must be given forth to the Electoral Commission of the Republic 20 days prior to Election Day. The election of the head of state is carried out in an absolute majority voting system (Dezső & Tóth, 2002, p. 40). In the first round, a mandate may only be won by a candidate with more than half of the votes. If there was no such candidate, a second round is to be held within the next 14 days. The candidates winning most votes in the first legally valid round shall get to the second round. The direct electoral procedures of the head of state give the office greater legitimacy, and as such, —irrespective of the scope of authorities—enjoy greater political power and independence. Unlike that of the parliament with a four-year term, the term of office of the president is five years, and he may be appointed to the same position not more than one more time (Constitution, point 116). The head of state may not hold other public functions and may not take up other occupational activities. The law, however, does not state an issue of conflict (Constitution, point 115). The mandate of the head of state is completed with either its expiry, or the resignation or dismissal of the president. The Serbian constitutional process gives rise to the possibility of the presidential competencies to be changed, shifting towards a semi-presidential or a strong presidential system. The list of people to have held the office of head of state of Serbia is seen in Table 2.

Table 2

Heads of State of Serbia (1991-2016)

	Head of State	Party	Term of Office	Office Held
1	Slobodan Milošević	SPS	11.01.1991-23.07.1997	election
-	Dragan Tomić	SPS	23.07.1997-31.12.1997	President of the Parliament
2	Milan Milutinović	SPS	01.01.1998-29.12.2002	election
-	Nataša Mičić	GSS	29.12.2002- 04.02.2004	President of the Parliament
-	Dragan Maršićanin	DSS	04.02.2004-03.03.2004	President of the Parliament
-	Vojislav Mihajlović	SPO	03.03.2004-04.03.2004	President of the Parliament
-	Predrag Marković	G17Plus	04.03.2004-11.07.2004	President of the Parliament
3	Boris Tadić	DS	11.07.2004-05.04. 2012	election
-	Slavica Đukić-Dejanović	SPS	05.04. 2012-31.05. 2012	President of the Parliament
4	Tomislav Nikolić	SNS	31.05. 2012-31.05.2017	election
5	Aleksandar Vučić	SNS	31.05.2017-	election

⁴ Due to this fact, a “quasi” semi-presidential form of government was in place up until 2012.

⁵ The idea of incidental indirect elections first came up in 2015 due to the symbolic functions of the head of state, and also with the intention to reduce the costs of the elections. A constitutional amendment, however, was not implemented.

The Court

Section 4 of the Serbian Constitution defines the administration of justice as a sovereign power independent from other institutions. Sections 142-155 govern the function of the courts. A person to become judge for the first time is elected by the parliament on proposal of the High Judicial Council, followed by his/her permanent appointment by the latter.

The court of justice prepared its judicial reform draft by April 2006, under which the following will operate in the court system: “Supreme Court of Cassation, appellate courts, second instance courts and basic courts. There is a need for particular courts in the field of public administration, offences and economy. The reform is based on four principles: independence, transparency, responsibility and efficiency” (Kálóczy, 2010, p. 8). The implementation of the reforms came into effect with the Act of 2008 on the court system, as a result of which the new court structure was set up in 2010. Pursuant to the provisions of the Act on the Site of Courts and Prosecutor’s Offices, there are 34 basic courts, 26 high courts, 16 commercial courts, four appellate courts, three high misdemeanor courts, three administrative courts in operation and the Supreme Court of Cassation. In 2009, 1,531 judges were appointed for an indefinite period of time, and a further 876 of candidates were put forward for the parliament for the first, three-year term appointment. The weak point of the reform giving rise to indignation among the judges was the fact that a number of judges that had been elected during the reign of the previous regime were to be removed from office, and the new legislation seemed to provide grounds for this. When the constitutional court found that the new legislation was in line with the constitution, the Serbian organization of courts met in an extraordinary session where it was agreed that, in their view, the establishment of the high council of justice was unconstitutional and unlawful, its decisions were not made in the right composition as regards the judges that were not re-elected. The 2013 Progress Report on Serbia published by the European Committee stated that the political influence in the courts was still dominant, which made the integrity of the judicial system questionable. The judicial strategy prepared for the period of 2013-2018 including both the reforms for judicial and procedural stages requires strict monitoring policy (Szabó, 2013).

The Constitutional Court

In accordance with the provisions of the constitution, the Constitutional Court is a separate and independent public body protecting the constitutionality, legitimacy, and human and minority rights. Its measures are final, enforceable and binding on everyone. In practice, the functioning of the Serbian Constitutional Court encountered a number of difficulties. The institution with its new composition was established in 2006, but it was only in 2011 that the remaining members of the panel of 15 were finally elected. The panel did not officially specify the political doctrines that concerned the political parties and therefore as such, would not be put to debate.

One of the provisions leading up to major public debate was taken regarding the review of the Act on National Councils. A decision in the matter was finally made after three years, and the lengthy decision-making process was linked to the transition of power taking place in 2012. In accordance with the decision of the Constitutional Court published in 16 January 2016, two sections of the law concerned in the process were repealed altogether, while another eight of its sections were partly repealed (Jogi Fórum, 2014, January 20). Some suspected that political influence might have played a role in the decision-making process, while others questioned the legitimacy of the review of constitutionality, and made public their alternative versions.

The Instruments of Direct Democracy

As it was seen previously, every representative, the government, the assemblies of the autonomous provinces or at least 30,000 of the voters are needed to claim the right to propose a law. “Popular initiative is usually directed towards initiating decisions, legislations falling within the competence of the decision-making body. In a stricter sense, it means the right of a specific part of voters to initiate the review of the constitution, and the legislative procedure” (Kukorelli, 2007, p. 176). In accordance with the Serbian Constitution, a nationwide and local referendum may be held to exercise the right of decision-making and expression of opinion. The imposition of such measures is solely within the competence of the parliament. On demand of the majority of the MPs or no fewer than 100,000 of the voters, the National Assembly shall hold a referendum on matters within its competence i.e., the referendum is to be held without the National Assembly’s right to discretion (Constitution, point 108). Referendums may not pertain to obligations deriving from international agreements, laws on human and minority rights and liberties, amnesty, or matters within the right of option of the National Assembly. A referendum has to be held on the discontinuation of an autonomous province. In the last 10 years in Serbia there has been only one, nationwide referendum held on the adoption of the new constitution, on 28-29 October, in 2006. The opposition parties called for staying away from the referendum; in the end, only 54.91% of the voters tuned out. An interesting occurrence was the fact that 53.05% of those turning out to vote (54.91%) voted “yes”, while only 1.47% voted “no” (RIK, 2006, October 28-29).

The Ombudsman

In Serbia, the ombudsman institution operates on three levels (Komjáti-Gardó & Ördögh, 2012, pp. 145-170). The Office of the Ombudsman and its four deputies, elected by the majority of votes by the parliament for a five-year term, were introduced at a national level in 2006. Since his appointment in 2007, the position has been held by Saša Janković, who was re-elected in 2012. His legal competence includes the rights of children, national minorities, persons with disabilities and equal opportunities, and criminals with custodial sentences. At a provincial level, the ombudsman institute in Vojvodina was established in 2002; the parliamentary commissioner and his five⁶ deputies are elected with the two-thirds majority of votes by the Regional Representative Council for a six-year term; his duties are equal to that of the ombudsman. At a local level, there are 15 ombudsmen under the authority of the local governments. It should also be noted that the institute of Data Protection Supervisor with national authority was established as well. The ombudsman institute is rather controversial in Serbia, as it frequently gets into conflict with the parliamentary parties, but still cannot have the cases of abuse of power fully rectified with those involved (Janković, 2014, March 17).

In January 2015, the Parliamentary Committee, which oversees the security and intelligence services, supported the Ministry of Defense and Military Security Agency in their dispute with the ombudsman. The dispute concerned the refusal of the two ministries to provide the ombudsman with information pertaining to allegations that Military Security Agency agents violently assaulted police officers during the 2014 Pride Parade in Belgrade. MPs of the Serbian Progressive Party in government also launched a campaign to replace the ombudsman. They argued that the ombudsman had demonstrated an unwillingness to protect Serbian citizens. In response, government critics argued that this campaign was really an attack on the checks and balances on executive authority, and the separation of powers.

⁶ The new decision of 2014 ordains only four deputies for the regional ombudsman.

Local Governments

The constitution of Serbia clearly states that the territory of the Republic is single and indivisible, and as such, it is considered a unitary state. The constitution, however, also states that the power of the state is restricted by the right of its citizens for regional autonomy and local government (Constitution, Part VII). Today, it is only the Autonomous Province of Vojvodina that enjoys these licenses, after Kosovo having declared its independence. The Province is protected under its rights and accordingly, the competent regional body has a right to bring an action before the Constitutional Court if the legislation is introduced in the House of Representatives (Assembly) that precludes the right for autonomy, or if any government regulation undermines its autonomy. The Province, however, cannot act as checks and balances against the government, because there are overlaps between the levels by means of the political parties. Furthermore, a dispute over the seven percent to be allocated in a compulsory manner from the central state budget has been going on for a decade (Pannon RTV, 2015, December 12).

Dividing Lines

In Serbia, because of the historical contexts, political cleavages different from those characterizing other European countries have emerged. Although the constitution defines the Republic as a secular state, in practice, the orthodox patriarchy has a strong influence on shaping political events⁷. Conflicts between employers and employees are negligible, so the parties can reach an agreement peacefully. Unlike in Western Europe, it is mostly ethnic disagreements that dominate in the region, followed by the relation to the past (Gábrity-Molnár, 2003, pp. 524-533), and finally, starting from 2008, the question of integration in the western world has come to the foreground, taking the place of the policy of isolationism/neutrality.

Ethnic Disagreements

Ethnic disagreements can be interpreted in the context of examining the Serbian Nation and its relationship with the “other” constituent factors. Due to the fact that almost 83% of the population is made up of Serbians, it gave grounds to exercising their prerogatives in the past, which would lead to the oppression of minorities, and marginalization of their rights to exercise their traditions and cultures. These differences would lead up to the First Balkan War, the atrocities concerning the Albanians living in Kosovo, and the unresolved Serbian-Albanian conflict, which resulted in the declaration of independence of Kosovo.

In Serbia, analysts presented this dividing line as a nationalist-civil conflict (Stojiljković, 2006, p. 196). It placed the Democratic Party (DS), the G17 Plus and the liberals in the civil basket; the Serbian Democratic Party (DSS), the Serbian Renewal Movement (SPO), and the New Serbia (NS), all belonging to the nationalist-democratic group, positioned themselves in the center; the nationalist axis accommodated the Serbian Radical Party (SRS) and the socialists. The fading image of the First and Second Balkan Wars, and the democratic transition of 2000 meant that ethnic differences gradually lost momentum, and existed as a less significant dividing line. Out of the political parties it was only the radicals that were advocates of nationalism and minorities. After losing its parliamentary seats, this dividing line ceased between the parties, and shirked among the population, as well. One issue concerning the radicals re-gaining political representation as the third largest political power in 2016 is to what extent nationalism will become part of their political agenda.

⁷ An example of this is the actions taken by the Serbian patriarchy during the declaration of independence of Kosovo.

Regarding their relationship towards the past, the vast majority of the population still feels nostalgic for the “humanist socialism” led by Josip Broz Tito; there is also a somewhat smaller group of people who have similar feelings for its political successor, the Milošević-regime. The party previously being in opposition and emerging to power in 2000 was forced to re-invent itself from scratch. The political transition imposed a lot of reforms to be carried out on the governments, which had a negative impact on the circumstances of the population. This led to a decreasing support and trust placed in the transitional parties, which was further eroded by the 2008 economic crisis impacting the region, as a response to which restrictions to the social system had to be implemented. Later on, as a result of these differences, several other conflicts had the very same sides facing one another, fuelled by the nostalgic feelings for “Titoism”. It is important to note the public’s strong call for a powerful leader, which carries on to the democratic era as well. Therefore, in relation to the past, we can see figures in the limelight that held important political offices in the previous era, placing the socialists and the progressives on one side, facing the transitional parties and their supporters on the other one.

The parties emerging after the democratic transition were all dedicated towards the western world, and, above all, the European integration. In 2004 the parliament adopted the decision about the European future of the country (Rezolucija, 2014, October 14), and the government agency of the European Integration Agency was set up. The level of activity of the different governments was, however, diverse. Vojislav Koštunica adopted a more distant policy, mainly due to the situation of Kosovo, while the democrats pushed for integration. The need for a choice to be made between a European future and isolationism was put forth as being at stake during the 2008 presidential elections. At that time, Boris Tadić, president of DS was going to convince his supporters with the slogan of integration, while his opponent, Tomislav Nikolić (the then Vice President of the Radical Party) pushed for total isolation. According to poll results, the solid 60% of the population are in favor of integration. Seeking and delivering the war criminals for the International Criminal Tribunal for the former Yugoslavia (ICTY) paved the way for European membership, and the EU foreign ministers granted candidate status to Serbia. The negotiation chapters, however, were only opened in 2015. In the upcoming elections, the European integration was once again on the agenda, but following the outcome of the elections, it became clear that the people were in support of the integration, which knocked the parties out of the parliament pushing for rusofilism and neutrality.

Party System

After the North Atlantic Treaty Organization (NATO) attacks of 1999 had weakened the power of Milošević, the political opposition picked up on it, and—supposedly to the suggestion of Western European leaders (Bunce & Wochik, 2010, p. 151)—were preparing to overthrow the authoritarian head of state. With the coalition of 18 parties, the Democratic Opposition of Serbia (DOS) was set up in early January of 2000 (Pešić, 2012, p. 22), which then won the elections held on 24 September 2000. On 16 October, as a step towards political transition, the DOS, the Socialist Party of Serbia (SPS), and the leaders of the SPO, together with the President of the Federation, Vojislav Koštunica, and the President of Serbia, Milan Milutinović, signed the agreement on setting up an interim government, and also agreed upon holding democratic parliamentary elections. In the elections held on December 2000, the opposition party the DOS won two-thirds majority of the parliamentary seats, and with a turn-out of 55% of the voters, they won 176 mandates out of a total of 250 seats in the National Parliament (Slaviša, 2002, pp. 274-281).

In 2001, there was a tension between the two biggest ruling parties: the DS and the DSS regarding the extradition of Slobodan Milošević, which resulted in the withdrawal of Koštunica's party from the coalition. One of the reasons for this was the fact that the democrats, led by Zoran Đinđić, were still trying to place themselves on the party political landscape. Around 2000, the party belonged to the moderate rightists; upon seeing the gap that was to be filled on the left, they gradually "slipped over" to the cultural-ideological left. The circumstances were also influenced by the moderate politics of the DSS, which may have been due to the newly elected Yugoslavian Head of State, Koštunica, trying to find a political way out. The smaller parties did not have charismatic party leaders, nor did they lay out an effective political program. Therefore the public attributed the necessary governmental steps to the bigger parties.

In September 2008, Tomislav Nikolić announced that he would submit his resignation as vice president of the radical party, and together with 21 of his former radical MPs, created his own political faction called "Forward Serbia!", which completely disrupted the right wing of the party system. As a result of the split, today the party pursues a moderate policy; besides being Russia-friendly, integration is a crucial element of their policy, and they have special regard to the problems of national minorities. Their political "change of sides" proved to be a success, and as of 2012, they took up their duties as coalition partners in the formation of a new government. They even nominated the head of state, and in 2014, they obtained absolute majority in legislature.

The proportional electoral system led to the emergence of a multi-party system. At first, the system gave rise to greatly fragmented rightist parties that, however, were not willing to operate on the basis of consensus even to gain power. For a long period of time, the DS became dominant on both the left and partly in the whole party system. We can witness alliance blocs taking shape in the party system comprising numerous political parties along the way. On the Left, an alliance led by the democrats was formed, whereas the Right became a cluster of the DSS and its peers. In 2009, however, they brought forth the political takeover of the progressives, and today they are the biggest right-wing force in Serbia, while the Left has become highly fragmented (Lukács B., 2012, p. 91). Up until 2016, there was a continued decline in the support of the radical party, and the liberal center has ceased to be a relevant force. The coming of the early elections and the acquittal of Vojislav Šešelj once again brought forth increased popularity for the radicals.

Political Culture, Popular Attitude, Consolidated a Consensual Democracy

There has been a sharp polarization of debate going on within the Serbian political elite about the acceptance of democratic institutions. As previously seen, the constitutional foundations have proven to be unstable due to the fact that the circumstances surrounding their 2006 adoption was politically charged, and that its social legitimacy is very low. Since its adoption, there has been an ongoing debate about amendments to the constitution. The reform, however, has not taken place in any of the parliamentary terms,

But it has become inevitable with the European integration at hand. The institutions of the political system are regarded to be important by all parties, but their relative importance lacks unanimity. The form of government itself is subject to debate, because while in accordance with written law the country is regarded as a parliamentary democracy, in practice, it functioned as a semi-presidential system up until 2014. The change was brought about with the Progressive Party coming to power, when they applied a pure, chancellor-type parliamentary logic thanks to the personification of the Prime Minister. In the governmental solution to come, it will be of key importance to define the role of the heads of state and government, and that of the parliament, as

well. There is consensus among the elite that similarly to the western democracies, there is a need for constitutional institutions that act as checks and balances (Constitutional Court, Ombudsman, Central Bank, regional governments). At the same time, they also intend to use them as “guise institutions”, as there is a lot of political pressure on them. When setting up the new framework, it may come up whether to actually vest sufficient powers in these institutions, or to keep them under political control. The political elites have reached a consensus regarding the European integration and adopting the European norms, but their relationship with the USA and Russia is still unclear.

Having a competitive political system forced the parties to more or less adjust their attitudes to the democratic principles, but hostile attitude and personal tone towards each other is still a common occurrence. These conflicts are quite common during the time of the general elections and among the parties, and also within particular parties (e.g. the withdrawal of Boris Tadić from the Democratic Party, or tensions between Aleksandar Vučić and his ministers). An example for such confrontational behavior from the parties is the fact that the coalition governments were weak, and the parties in the coalitions—each with their own ideologies—had their focus on the offices held. The first major problem would not result in reaching a consensus. Instead, they turned on each other, and this often resulted in having early elections.

There is also consensus among the elite regarding the media, but that of negative sorts. According to journalists, the media has been turned into a weapon of power struggle in Serbia, and as such, it has made them vulnerable (Pannon RTV, 2015, October 10). The 2017 Freedom House Progress Report on Serbia shows that the media is free only to some extent, because there is constant pressure coming from the government on journalists⁸. In addition, they are frequently exposed to physical atrocities (Magyar Szó, 2015, December 12), and politics also try to influence the media by hampering the economic situation (e.g. the privatization of the media, introduced in 2015, where there are no bidders for the unviable media houses)⁹.

A poll conducted in 2000 on the attitude of the Serbian population indicated that the citizens' confidence in the institutions was 2.16¹⁰, dropping to 2.02 in 2005, which put them on the bottom of the list in Europe, i.e., the Serbian people are the most distrustful of their institutions (Tóth, 2009, p. 8). In 2010, citizens' confidence in the institutions reached an average of 2.63, whereas in 2014, it dropped back to 2.53 with regards to the same institutions¹¹. In the last year, all public opinion polls suggested that Prime Minister Vučić enjoyed more public confidence than any democratic institution.

Even today, the political commitment of the voters appears to be still in its infancy. A poll conducted in February 2014 indicated that 66.5% of the voters had no ideological preferences, 12% referred to themselves as being centralist, while 11% claimed to be rightists, and 10% called themselves proponents of the Left (CeSID, 2014, p. 17).

⁸ Freedom of the Press, 2017, Serbia. Retrieved from <https://freedomhouse.org/report/freedom-press/2017/serbia>

⁹ Due to the privatization of the media, several media outlets have been shut down (e.g. Tanjug News Agency and the larger part of the minority media outlets). There are a number of politicians with a varied degree of ownership in certain private media outlets.

¹⁰ The index number is calculated on the basis of the following values: military, press, television, trade unions, police force, government, political parties, Parliament, public servants and Court.

¹¹ 2010 had the following index numbers: schools: 3.05, a military 2.99, police force 2.92, Head of State 2.72, courts 2.67, media 2.52, government 2.48, trade unions 2.46, Parliament 2.35, and the parties 2.17. In 2014 the numbers were as follows: schools 3.04, military 3.15, police force 2.69, Head of State 2.73, courts 2.18, media 2.28, government 2.54, trade unions 2.33, Parliament 2.37, and the parties 2.00.

Conclusion

By analyzing the political institutions, it can be established that they have been undergoing continued change, and the reform steps have not ended even today. The elites have just reached a point where they are working on re-orienting the constitutional framework, which could have an effect on the daily functions of the institutions as well. The size of the parliament, its functions and procedures are relatively stable, but the majority in the parliament uses it to its own advantage, which creates a state of instability. The functioning of the governments is varied, and it cannot be considered to be stable until 2014, as the Prime Ministers, instead of focusing their efforts on practical implementation, often simply tried to find a way to maintain the coalition government. The Office of Head of State has been gradually marginalized, which clearly shows in the changes in the form of government implemented in 2014. In Serbia, the constitutional institutions cannot act as checks and balances to a stable democracy, which results in a weakened Constitutional Court, court system, and local or regional governments. The only force to be reckoned with is the Office of the Ombudsman, but without powerful instruments it remains weak. The political cleavages appear to have been stabilized throughout the years, and the ethnic differences and the tensions surrounding the European integration even seem to have faded among them, while the classic ideological cleavages are taking over their place. 2014 saw the stabilization of the party system, when the number of parties decreased, giving way to the concentration of the system. The imbalance of the system, however, presents itself in the Right becoming unipolar, and the Left becoming fragmented. There is no understanding among members of the elite on the functioning of the political system, and so setting up the new mechanisms is a breeding ground for political disputes. There is no agreement among the people on the legitimacy of the democratic institutions either, and thus they have little confidence in the political institutions, although this trend shows some slow progress over time.

In a study by Wolfgang Merkel, published in 2008, he analyzed the democratic consolidation of the Central Eastern European states. As regards the quality of democracy, the study identified Serbia and Montenegro in the second group of defective democracies, because the status-index attained by the federation was an average rate of 7.4 on a scale of 10 (Merkel, 2008, p. 21). According to the Bertelsman Stiftung Transformation Index (BTI), which defines the status-index of a country by analyzing 15 aspects, the 7.2 value changed to 7.5 by 2012. It has, however, remained unchanged since then, and thus Serbia remains to be categorized as a defective democracy¹². The slow democratic stabilization of the country is demonstrated by the democracy index of the same organization, according to which Serbia ranked 66th on the world ranking list in 2012, moving up to 56th in 2014, and then dropping down to 58th in 2015 [coming behind Croatia (50, 50, 52) and Slovenia (28, 37, 36) from the former Yugoslavian republics]¹³. In a report published in 2017 by Freedom House, Serbia got three and two points out of seven (one being the best) for political and civil rights, declaring them free as regards rights¹⁴.

In summary, according to international surveys, the country has undergone a continued consolidation since the democratic transition took place. The institutional framework is, however, weak, which is further aggravated by both the lack of understanding among the political elite and the destabilizing effect of the new constitutional wave, and the frequent early elections.

¹² Bertelsmann Transformation Index. Retrieved from <https://www.bti-project.org/en/reports/country-reports/detail/itc/srb/>

¹³ Bertelsmann World Rankings, Democracy index. Retrieved from <http://knoema.com/atlas/topics/World-Rankings/World-Rankings/Democracy-index>

¹⁴ Freedom in the World, 2017, Serbia. Retrieved from <https://freedomhouse.org/report/freedom-world/2017/serbia>

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